Dear Jim, Happers/Fox etc 2/1/77

Two books in a badly damaged package in today's mial.

Postmark 1/24, send uninsured book mail, or slowslowslow. Not on the 18th, when we talked, either. So while me may not like my letter of the 28th, he did all he could to entice and justify it.

I have checked. The publication date was 1/26/77. They did, deliberatly, stall past that time.

What this suggests is as I have already suggested, they had closer contact with Playboy than they admitted and knew I might have sought an injunction.

I see no reason for me to change my life and work now that they have published. They sent manufactured books. They did not call me back until they had manufactured books. They knew before they had manufactured, from the day I received the bound proofs. They made changes in thos bound proofs prior to manufacture. This means they could have made other changes. Instead they rebuffed all my different offers at a time when they could have made changes that reduced or eliminated the damage to me and proceeded to do this damage. To me this means intent. With this their intent and with the damage now an accomplished fact I see no reason to take time at this point to do what they now that it is too late want.

If he is in touch with you I think the time has come for them to do what they should have done prior to publication once they were put on notice, learn for themselves and then make me an offer. The alternative, their clear intent eliminating others of which I can think, is suit.

I have not taken time to look at the book. Jim showed me one thing that I believe gives Jimmy a good case against them - and this after I warned them more than once. I have no interest in having Jimmy sue them or suggesting it to him and do not intend to but I do see the possibilities of what they have added to what was done in Playboy.

So I have these two books. I think it would be a good idea to have others go over them independently. Dave and Howard in particular. If you agree I think that instead of mailing these it would be cheaper to pay them to get copies. They will probably want them anyway. We'll need copies, too.

If there is a recovery I will allocate it to non-personal uses - the archive, the FOIA cases or both.

If I can gather anything from conversations with Fox they will claim fair use.

This and doctrine I think will be important. Doctrine gets to more than sycophancy, which I hope others will find as obvious and disgusting as I did. It also gets to what you referred to as straight business law. Here I believe an important consideration is representation. Playboy represented this as its own original work, its investigation. It was not presented as a review. I believe that use of more, use of more and masked in origin, goes farthur than fair use can cover. I suggest their own copyright notice in the book can serve as a standard on this.

Hastily,